

COMMISSIONERS APPROVAL

GRANDSTAFF

ROKOSCH *JRM*

THOMPSON

CHILCOTT *gc*

DRISCOLL *LD*

PLETTENBERG (Clerk & Recorder)

Members Present.....Commissioner Carlotta  
Grandstaff, Commissioner Jim Rokosch, Commissioner Alan Thompson, Commissioner  
Greg Chilcott and Commissioner Kathleen Driscoll

Date.....January 23, 2008

Minutes: Beth Perkins

► The Board met with Val Whidmer from Emma's House for approval of the Montana Board of Crime Control Grant for the Victim Assistance program. Present were Sheriff Chris Hoffman, Deb Eckert and Jen Hubbard.

Val stated the VAP (Victim Assistance Program) provides direct services to victims of violent crimes such as domestic abuse, sexual violence, stalking, and child abuse. The project started in 1998 as a pilot project with 19 victims the first year. In 2006, there were 311 victims served. Sheriff Hoffman stated law enforcement has known about abuse for several years. It has been a long process getting to where they are today. Commissioner Grandstaff asked if this money is only for victims of domestic violence or can it be used for random violence as well. Val replied it is mostly domestic violence and sexual abuse cases, but there is a 2% allowance for any actions resulting in crime.

Val stated Emma's House serves the victims of child abuse. The VAP provides informational packets to victims at the Sheriff's Office. It provides dignity to victims at the time when it is most needed. She gave examples such as victims in financial crisis and victims dealing with substance abuse. Val stated they are looking at increasing the hours for advocates. She stated they are requesting \$33,000 from this grant. However, they requested that amount last year and only received \$29,000. The remainder of the contributions are in-kind matches from the Sheriff's Office.

Commissioner Chilcott stated the match money is there, and agreed this is a positive program with great results. He would like to see it continue.

**Commissioner Chilcott made a motion to approve the grant application. Commissioner Driscoll seconded the motion, all voted 'aye'.**

Val asked about signing a letter of support to accompany the grant.

**Commissioner Chilcott made a motion to send a letter of support along with the grant application. Commissioner Rokosch seconded the motion, all voted 'aye'.**

► The Board met with MACo/JPIA Trust Administrator Greg Jackson for a mid year policy visit. Present were Fred Thomas and Phil Riley from Western States Insurance, Treasurer JoAnne Johnson, Public Health Nurse Judy Griffin and Administrator Skip Rosenthal.

Greg stated he is here to give an update and an idea of what Ravalli County JPIA Trustees will be looking at for renewals. He stated they will review the Property and Liability pool and then Work Comp Trust.

Greg began with the Property and Liability Pool audits. He noted the Work Comp Trust have not been completed yet. He reviewed the results of the recent financial statement with the Board. The reserve number is placed on the liability side of the spreadsheet and gives an idea of potential losses maybe for adjustment of rates. He stated the first chart is for the 2006-2007 year. The trust will pay out approximately \$4.8 million. The collected amount is \$4.5 million; therefore \$300,000 is under-funded for the year. It fluctuates every year and it depends on what happens to determine how the amount is affected. They are always going to be conservative with the numbers and usually liability claims take about 7 years to settle.

Greg stated in absent of an audit, there is a balance sheet. He discussed reserves for losses and bond payable amount. The trust members agreed to bond \$5 million. \$2.3 million was surplus, however, there was a claim that was paid out for \$2.8 for the 2006-2007 year. The problem with this claim is that the pool will only pay \$3 million for claims. Their limits are \$750,000 per claim. If there are multiple occurrences per claim then the limit is \$3 million. Commissioner Chilcott asked about the claims for jail suicides. Greg replied they are one occurrence each with the limit of \$750,000. These payouts take place over time. He stated the occurred equals paid plus reserve. Right now the pool is running at an 83% ratio for the last five years.

Commissioner Rokosch asked about the current deductibles. Greg replied property is \$500, general liability is \$1,000, motor vehicle is \$1,000, subdivisions are \$10,000, countywide zoning is \$10,000, personnel is \$3,000 and law enforcement is \$3,000.

Greg stated the trustees will increase deductibles and liability loss fund in April. He will then present those numbers to Fred Thomas and bring it forward to the Board. The property rate will remain the same as well as boiler and maintenance (such as electrical and equipment break down). It is broad coverage.

Greg presented the award for decreasing claims for Ravalli County to Commissioner Grandstaff.

Commissioner Rokosch asked how many counties have safety committees. Greg replied there are 50 counties with 30 of them which include agent involvement. 90% of these counties have safety committees.

Commissioner Grandstaff asked about a claims review. Fred replied one was done last week and he will get her the results.

Greg stated their manuscript policy is a self insured policy. It was drafted to provide defense for claims. The most recent change was last year for exclusion for political discrimination. Skip stated they submit all claims and then they are reviewed for what will be covered.

Greg stated right now there are quarterly claim reports sent to the county. He reviewed the sample chart of a claim report with the Board.

Greg discussed loss control. They have hired through a contact with LTAP, a former road county supervisor to provide onsite training for signing, road design and road maintenance in sort of a test scope. He will provide an evaluation/audit for the road department.

Judy asked about HIPPA issues in regards to the family planning program procuring patient information. She gave an example of teens not being able to get records from doctors' offices and then having to go through another examination. She referenced Title 10 and stated it is cutting them short. The issue is in regard to private clinics releasing information for minors. Greg replied from a liability standpoint, he does not have an answer. Fred stated he doesn't know if HIPPA is an overreaction where it involves minors. Judy stated she has heard two opinions: one stating it is a county issue and the other is a state issue. Fred stated HIPPA is a federal mandate. He stated HIPPA law would have to be changed to state a minor has the right to access their own medical information. Judy stated there is protocol with Title 10 funding.

Greg reviewed the Work Comp Trust. There is a reserve analysis and a premium rate analysis which are a base for rate increases. There will be a safety culture committee that will review the safety committees in the counties. The early to work program is to be implemented. The Department of Labor is trying to revamp the worker's compensation program to include it. Further discussion followed regarding the early to work program.

Greg discussed having to get at a 25% level of surplus. Last year the trustees agreed to accept the class codes and nursing homes were hit the hardest. They can expect another 5% increase in rates. This pool is doing great. Rate wise, it has not been dramatic, but it has impacted the class codes. The mod factors are capped at 1.25. Fred stated they will do better than that with the county's potential of credit looked at. Greg stated internally there will be incentive plans having objective criteria with a loss control preventive measure on

record. They will reduce rates for counties showing a loss control credit. Whether or not the trustees decide to let it happen, there will be a program. The mod factor is based on the loss record for the year.

► The Board met for discussion pending a fund request from the Bitterroot Humane Association. Present were Sheriff Chris Hoffman, County Attorney George Corn, Civil Council Alex Beal, and Internal Auditor Klarryse Murphy.

George stated there has been an arrangement with BRHA where the Sheriff will pick up an animal allowing it to stay at the shelter, and then the Sheriff will be reimbursed. George discussed the recently filed liens against the county. One of those liens stated the County owes the BRHA money for the horses being dropped off at the shelter. George stated the County and the Sheriff's Office were never notified of those changes.

Sheriff Hoffman gave some background on the recent case involving a horse and foal and the outcome of the situation. He stated the situation is what had prompted the meeting between Sheriff Hoffman and County Attorney George Corn. Commissioner Driscoll stated she attended the meeting and suggested updating the 1984 agreement on a yearly basis. George stated the Sheriff has always had a good relationship with BRHA. He would like to see it continue.

Sheriff Hoffman stated there were a few newspaper articles published in January regarding the horse case where the BRHA stated there weren't any charges filed. There were actually 16 summons issued. Commissioner Chilcott asked the total amount requested in the liens. George replied BRHA's claims per day were high. It involved 12 to 15 horses. It was in the neighborhood of \$25,000. Sheriff Hoffman added it was for feed, pasture and vet bills.

Commissioner Chilcott stated there is a gentleman looking to establish a horse rescue mission. They may be able to create a database of people willing to take in these horses for a per diem rate of feed.

Commissioner Grandstaff questioned the liens filed outside of BRHA regarding the horses. George replied the liens are from the people who were given the horses and looking for compensation for the feed. Commissioner Grandstaff asked if there is an agreement in draft. George replied Jennifer Lint will have a draft by Friday.

Commissioner Rokosch asked how many liens are involved. George replied he will have to get a total but it was under the direction of the Humane Society. Commissioner Grandstaff suggested having a clause in the agreement to state "No member of the Humane Society should act independently of the Society as a whole". George agreed.

Commissioner Driscoll asked if the members could get the animals and keep them at half the cost. George replied it is up to the Judge to decide.

**Commissioner Grandstaff asked if it is George's recommendation to hold the funds until the liens have been released. George replied yes it is his recommendation. It was the Board's consensus to go with George's recommendation.**

Minutes: Glenda Wiles

► The Board met to open proposals for the financing of the Energy Performance Contract. Present at this meeting was Internal Auditor Klarryse Murphy. Four proposals were received as follows:

- First Interstate Bank of Hamilton
- Farmers State Bank
- All American Investment Group
- Citi Capital

Discussion included any pre-penalty pay off's, interest rate, payment schedules and terms. Commercial Lender Ken Senn of Farmers State Bank was also present for this discussion which included the recent federal interest rate that dropped  $\frac{3}{4}\%$  yesterday. **Commissioner Chilcott made a motion to have Klarryse Murphy review these proposals with a recommendation of award to the Commissioners on Monday, January 28<sup>th</sup>. Commissioner Thompson seconded the motion and all voted "aye".**

► In other business the Board met to discuss and possibly make a decision on amending Resolution No. 2193 which is the resolution extending the citizen initiative entitled "An interim zoning regulation limiting subdivisions to a density of 1 residence per 2 acres for a period of one year"; which is also known as Resolution No. 2038, for a period of one year. Present at this meeting were numerous citizens, Civil Counsel Alex Beal and Planning Director Karen Hughes. Commissioner Grandstaff noted Commissioner Chilcott had asked to have this issue on the agenda. She noted there are some erroneous rumors that both she and Commissioner Chilcott were in collusion in order to make some changes on this Resolution.

Commissioner Chilcott stated interim zoning has had some positive attributes to the zoning project within the planning process. It has slowed the process down and has given the planning staff the ability to have time for planning and look forward to what is on the horizon. His concerns were over the interpretation. The Board adopted the County Attorney perspective, but Commissioner Chilcott feels cluster development under the Growth Policy and implementation tools that have been adopted show cluster as a positive enhancement and tool. When the lot size came out in the '1 for 2', the Board of County Commissioners adopted reauthorized/extended it or another year. Commissioner Chilcott discussed some amendments to the density because he feels they are promoting sprawl with the '1 for 2' and not maintaining open space and agriculture. The proponents of the '1 for 2' have some concerns about the future in regard to the remainder of parcels that could be another subdivision within the subdivision itself. He feels a date should be placed on the interim zoning for the parent parcel which will be the future or starting point when the subdivision begins. Commissioner Chilcott gave an example on the black board for 20 acre lots for the 1' lot per 2' and an example of density which would allow open space on the remainder of the 20 acres. November 7<sup>th</sup> would be the parent parcel

date (allowing the maximum density) and 11 acres would not be further divided. He noted development rights could go with the land. He also stated cluster development is a good planning tool and provides better service delivery, enhancing and promoting open space. The '1 for 2' has done some good for planning, but has had some unanticipated consequences. By using a full 2 acre lot, there is no agriculture left. However, there is potential left under the cluster or density example he drew on the board.

Commissioner Chilcott stated the community told the Commissioners '1 for 2' was a good tool, but this is a way to honor the '1 for 2' using density and cluster as part of the tool box. The Board of County Commissioners has had lawsuits over the variance procedures and he feels the variance criteria needs to be more bullet proof. He stated it might not be a bad time to adopt those criteria that have been discussed in the zoning issues. He does not feel these changes would dishonor what the citizens voted for.

Commissioner Grandstaff asked planning to show three plat maps that have been approved in the last 6 months. These are compliant with the '1 for 2'. She stated the good affect of this '1 for 2' is that it forced county to move forward with zoning. The CPC's formed, consultants were hired and they are moving forward. The unintended consequence of the '1 for 2' is the three bad subdivisions (Corvallis, Stevi etc.) while they comply with the '1 for 2', you end up with a parcel of land that has been gridded up with a road down the middle of them. She stated she is ashamed she was part of these subdivision approvals. She feels it is time to review the subdivision regulations which the citizens can help with. This '1 for 2' helped create rural sprawl. Commissioner Grandstaff asked about the remainder lot that Commissioner Chilcott was referring to for cluster development. Her question and concern is, the lot going to be big enough to justify its existence and not turn into a weed patch. The other concern she has of the cluster development and remainder lot is if that remainder stays in open space in perpetuity. Some lawyers say yes, some say no. She would want to have assurance that this would stay in open space in perpetuity.

Commissioner Chilcott stated his point was to show the density of '1 per 2'. If the zoning went to '1 to 1' the remainder lot could change because the density could change with the permanent zoning. This would give them the opportunity to allow for open space. Commissioner Chilcott noted Commissioner Thompson has a few acres and he grows a garden, has an orchard and runs cows. Not everyone will do that, but it gives potential.

Commissioner Rokosch stated 'monkeying' with the '1 for 2' is a bad idea. It was not intended to be permanent, just a temporary measure and was meant to move the county forward, by 'grabbing the bull by the horns' and to give them the tools to manage growth. He suggested they look at where they want high residential density and then balance economic development and quality of life. He stated the zoning process allows that. He stated if everyone wants this, then let's get behind the comprehensive zoning effort. The Commissioners have five months to get this done. If there were going to be any measures that Commissioner Chilcott is discussing, they should have been using those tools in the Growth Policy because those tools were there and the previous Boards did not

utilize them. It took another citizen initiative to get everyone back on task. Commissioner Rokosch also stated they need changes in the regulations and design standards as that is where the 'meat' is. He stated what Commissioner Chilcott is suggesting would open other 'cans of worms' and right now they don't have time for it. He agreed while there are some problems with the '1 for 2', they understand the problems but they can work with this. The '1 for 2' expires in November, and we need to stay where we are and up the ante on the citizen participation.

Commissioner Grandstaff stated amending the resolution would not have any practical effect on those subdivisions that are pending and in the pipeline.

Commissioner Driscoll stated she never liked '1 for 2' but understood what it was for. She would have liked '1 for 10', with some cluster development. She understood the citizens wanted to slow things down. She does not think the community needs to see any 'boat rocking' of what is happening in regard to the zoning. She agrees with the cluster development, but it is a tool. This is about bringing everyone together and not splitting the people up. This gives them consistency and continuity.

Commissioner Thompson stated his thoughts have not changed since they adopted Resolution No. 2193. While he would like more density, he asked when the best time to implement good planning is. Do we leave this in effect for another 9 months or do we institute good planning. If you are on the wrong track do you stay there for another year or correct it. He feels it would be important to recognize that proper planning is detailed in the growth policy. Cluster development is a good tool and it should be implemented now. He would like to see a change on the '1 for 2' on a density based model instead of a straight 1 for 2. This would give us open space. In regard to weeds, the remaining parcel of 5 acres can have some good things happen on it.

Commissioner Grandstaff asked if the subdivision owns the five remaining acres what will be done. Commissioner Thompson stated many homes water their lawn next to the house and the remainder is all weeds. Commissioner Chilcott stated the remainder parcel is owned by someone. Commissioner Grandstaff stated this is January and who amongst any consultants are going to change any of their plans. Commissioner Chilcott stated it is good policy to fix something that needs to be fixed.

Commissioner Rokosch stated the 'can of worms' is what keeps the attorneys busy. He would expect a different set of challenges. If the Commissioners want to add to litigation, what Commissioner Chilcott is suggesting is a good way to do that. If the Commissioners want to keep their focus on keeping good land use planning, let's throw the effort behind the comprehensive effort of zoning. If we are going to have these types of changes, the previous Boards should have already stepped up and done those years ago.

Alex stated trying how to predict a lawsuit is as hard as predicting the weather. He would not anticipate a whole lot of litigation if this was changed. **The Board of County Commissioners has authority to make the changes in this Resolution as it was a**

**resolution they adopted in order to extend the '1 for 2'. He would not anticipate any lawsuits from developers as it gives them more options rather than less option. He does not see any grounds for a lawsuit. Rather it is a political decision.**

Commissioner Grandstaff asked Karen if a remainder parcel can be left in perpetuity. Karen stated it depends on how it is written and what the specification are. Under the current writings some feel it is density zoning, but any future development would need to be precluded. Others feel if a higher density zoning was put into place, the zoning density could be put into place. The devil is in the details. In regard to the design issues, the county is limited to the regulations and what they say about the parcels that are left as open space. Thus there are some limitations.

Commissioner Rokosch stated the concept of cluster developments is something they are putting into place with the baseline zoning. Therefore, there have already been some strong interests by the building industry.

Commissioner Driscoll stated she likes cluster development. She asked Karen if the left over parcels are larger in size would they be further away from the main infrastructure. Karen stated that is normally what occurs.

Commissioner Grandstaff asked if this were to be amended how it would affect her staff time. Karen stated it depends upon the language. It would need to be clear, so they did not have to take time to figure it all out. She stated her staff does not know the impacts of the subdivisions that have not come in for pre-application yet.

Commissioner Grandstaff asked how many applications are in the pipeline. Karen stated on average, they have around 50 in the works. Commissioner Grandstaff stated if there are 50 applications in the works, it is unlikely that any consultant is going to redesign at this point in time. Karen stated her hunch is where the properties are located and how deep their pockets are. If the subdivision is near a community, they might want to redesign it due to what they think will occur with the upcoming zoning.

Commissioner Chilcott suggested the citizens might want to comment but it is important for the Commissioners to stay on course with the subject at hand. Commissioner Grandstaff opened the floor for public comment advising the citizens they need to keep their comments on point.

Bob Scott stated he worked hard on the interim zoning. Most people don't want to monkey with this and the zoning effort is moving forward. He felt they don't need a change at this point. The whole sprawl process was addressed during the campaign, and the public was aware of the risks and they still voted for the '1 for 2'. The three subdivisions Commissioner Grandstaff addressed are inherently bad; they should have been denied or the regulations should have been altered in order to make them a good subdivision. He felt the Board of County Commissioners should stick with their process.

Chris Linkenhoker stated the '1 for 2' is not a model, just a fire to get the Board of County Commissioners going. And it worked. The Board of County Commissioners could have done something different a while back. Now the citizens have forced the Board of County Commissioners to get it on, any changes would be to slow the process down again and it creates a serious trust issue. This is like chasing rabbits.

Curtis Cook read MCA statute 7-5-137; which addresses repealing an ordinance. Curtis stated the Board of County Commissioners does not have much choice but to assist in the county wide zoning that is well on its way. He stated the zoning is coming together with CPC meetings that are going well and the people are expressing their desire to help so the process can be completed. In spite of thoughts of not having any lawsuits, there will be suits if the Board of County Commissioners tinkers with this resolution. In regard to weed patches, there are many 2 & 3 acre parcels that are good looking parcels with lawns and trees. Cluster development is a good thing and state law deals with cluster development with specifics on how and where it can be done. The county can use it if they enact a resolution that follows cluster development. Curtis stated the county can do what the state says they can do as a commission form of government.

Ben Hillicoss stated he looks at this problem knowing they expect to have countywide zoning mapped out in four months, then four months to review and approve. Even if the Board of County Commissioners authorized this it would not be approved until August or September. The countywide zoning addresses cluster and bonus development. He stated many developers will wait until the zoning is in place. He suggested they stay the course and if they develop it at all, it could be a back up if the zoning does not move forward as anticipated.

Michael Howell stated he is taken aback by the narrowness of the approach. The interim zoning was an interim measure and the voters recognized that it did not address all the problems, (streamside setbacks, Highway 93 corridor, etc). If you want to fix this, then fix it all not just a part of it. Commissioner Chilcott and Commissioner Thompson recognized the need for streamside setbacks and they are willing to wait 18 months for that.

Gayl Knox stated they have worked hard to get where they are. It seems a shame to interrupt that process with a short term proposal. She felt that would be a waste of time and an interruption to the planning process. It would undercut the people who are working hard with the CPCs.

Robert Terrace asked what brought on these proposed changes when the Board of County Commissioners already made the resolution that is in effect until Nov 2008. Any changes are asking for trouble. Let the zoning continue and be completed.

Roger DeHaan stated the statute will not allow this and even if you could, it would be a distraction to what is happening now. If you had nothing to do ok, let's look at the set back, highway zoning etc. If someone wants cluster zoning they could do a cluster development – they would simply need to re-design.

Jimmy Canton stated Commissioner Chilcott has a valid and intelligent ideal. If it solves Commissioner Grandstaff and Commissioner Thompson's issues, then do it. Ravalli County is not the only community that is experiencing growth issues. He addressed density and maximization which is important as there is a land bank that is owned by the community; then people can use these gardens to grow things. Commissioner Chilcott has brought up a good idea, while Commissioner Rokosch addressed development rights which have been litigated. Jimmy suggested larger open space being more important than small spaces so the gardens can be utilized. If the Board of County Commissioners endorses what Commissioner Chilcott wants, the citizens will see it as a big tool. Towns are formed around good agricultural ground. If cluster development is allowed on marginal lands, the agricultural land will be kept as agricultural land.

Steve Powell stated he applauds the Board of County Commissioners by engaging this discussion; '1 for 2' was a political message and we are glad that it happened. This will simply help us in the next step in the process. Keep in mind the context of what was approved.

Stewart Brandborg of Bitterrooters for Planning sponsored this '1 for 2' interim zoning. 5,400 signatures and 7,000 voters wanted this as a stop gap measure to preclude the overwhelming subdivisions that were bringing down any planning effort. This measure allowed planning to get going and allow all the parties to come together for the zoning effort. 7-5-137 MCA would be violated if the Commissioners made any changes and there would be litigation. If the Commissioners want to send a shock wave of communication to the people, any change right now would do it. Any changes would be a disservice. The Board of County Commissioners should step up to the plate, if they do not like the subdivisions proposed, they need to say NO. The people of the valley care about this and they are mobilized to support this zoning effort. Please do not be derailed by this and lets get this on by November.

Kathy Roubik wished everyone could have been at the CPC meeting last night. It was on fairness with regular citizens working together in regard to cluster development and protecting the agricultural and ranching lands. She asked the Board of County Commissioners not to disrupt their process now.

Russ Hunt asked Alex if the Board of County Commissioners can overturn this as Curtis stated they could not. Alex stated the interim zoning statute itself can be changed, the first years resolution by citizen initiative could not. Russ asked the Board of County Commissioners about the ugly subdivisions, noting 'if you can change it, then use your judgment and not worry about being sued'.

Chip Pigman stated the 1 for 2 intent was to slow the growth and it has worked. However the Board of County Commissioners has an obligation not to promote ugly development and not leave a legacy. The Planning Board is reviewing these subdivisions that are poorly designed projects under the '1 for 2'. The Board of County Commissioners has the ability to change the lots size to density. That would not change

anything that is going on right now with the zoning efforts. But the Planning Board is also leaving a legacy of ugly development. Cluster with open space would and is a good tool. This would be a minor change for the next eleven months.

Doug Sohren stated ugly subdivisions are not the fault of the '1 for 2'. The subdivision is ugly because it was designed that way. In regard to weeds, the idea is that if we don't build on it, it will create weeds. Talk to a bee keeper and find out that knapweed is not ugly to everyone as it makes the best honey in the country. The point is that it is not up to the Board of County Commissioners and the individual to say what is ugly as that is subjective. The whole idea is that the people will decide what is appropriate and we need to continue in the zoning efforts. Do not amend this. He stated the impact on the 20 acres is the same for the 10 houses on 2 acres versus cluster of the 20 houses. The people that create these make them ugly and the ones who pass them make them ugly.

Commissioner Driscoll stated there are some regulations that had to be put into place during the application process. That is fair to them. Legislatively, we need findings of fact and justified.

**Commissioner Rokosch made a motion to table any consideration of amending Resolution No. 2193 until August 2008. Commissioner Driscoll seconded for discussion.** Discussion: Commissioner Chilcott stated this is not a huge revision, just to define density, parent parcel and date it. He felt a short statement of intent and a variance procedure should not take more than 2 months and it would not be a huge distraction. While knapweed makes good honey, it is also a noxious weed. He is talking about open space and preservation of agricultural community. This amendment would be an opportunity to have that open space etc. While he agrees the effects were intended, it can be changed and made better.

Commissioner Rokosch stated August 2008 does leave some option for the unforeseen developments on the comprehensive zoning. It will keep our eye on the prize and the zoning draft will be done by that time.

Alex stated the clock is from November 2007 to 2008. Commissioner Rokosch stated tabling this would allow them the time frame to move forward on current issues and still allow time to review this if necessary. **Commissioner Thompson and Commissioner Chilcott voted "nay". Commissioner Grandstaff Commissioner Driscoll and Commissioner Rokosch voted "aye". Motion carried.**